

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 19 2001

OFFICE OF  
MANAGING DIRECTOR

Joseph A. Belisle  
Leibowitz & Associates, P.A.  
Suite 1450  
Sun Trust International Center  
One Southeast Third Avenue  
Miami, Florida 33131-1715

86-285

RE: Request for Waiver and Reduction of  
Regulatory Fees for Fiscal Years 1999/2000  
Fee Control Nos. 9909208835430005 and  
0009188835399001

Dear Mr. Belisle:

This is in response to the petitions for reduction of regulatory fee for Fiscal Years (FY) 1999 and 2000, filed on behalf of Southern Broadcast Corporation of Sarasota, licensee of Channel 40, WWSB(TV), Sarasota, Florida. You request that the FY 1999 regulatory fee be reduced to \$4,350.00 and that the FY 2000 regulatory fee be reduced to \$4,275.00. Although you state that \$4,275.00 is the FY 2000 fee for UHF stations in market numbers 51 through 100, the correct FY 2000 fee for such stations is \$4,225.00, and the Commission's records reflect that the latter is the actual amount paid on behalf of WWSB(TV) for FY 2000.

The Commission has set standards for determining whether the regulatory fees for a television station may be reduced below the fees assessed for stations in the relevant Designated Market Area. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995). The Commission will reduce fees for television stations having certain characteristics. *Id.* Such a station must be located outside the metropolitan area of the principal city in the assigned DMA, and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas. *Id.* Stations that meet these criteria and request fee reductions will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the top 100<sup>th</sup> market will be assessed the regulatory fee for remaining market stations. *Id.*

You assert that, although WWSB(TV) is listed as being within the Tampa-St. Petersburg, Florida DMA, good cause exists for reduction of its regulatory fees. In this regard, you contend that WWSB(TV) does not serve the Tampa-St. Petersburg DMA and that its service area encompassed approximately 335,650 television households in 1999 and 347,320 television households in 2000. In fact, it appears that WWSB(TV) is located

outside the metropolitan area of the principal cities in its assigned DMA, that it does not provide a Grade B signal to a substantial portion of its market's metropolitan area, and that it serves fewer television households than the total for its assigned market. See *Television & Cable Factbook*. Based on these same facts, the total television households served by WWSB(TV) falls within the number of households served by stations in markets 51 through 100. In light of these circumstances, WWSB(TV) has met the Commission's standards, as set forth above, for reduction of its regulatory fees for FY 1999 and 2000 to the amount specified for UHS stations in market 51 through 100 and your petitions for reduction of regulatory fees are therefore granted.

For purposes of regulatory fee assessments in subsequent years, and absent significant changes in the factual situation, WWSB(TV) will not be treated as a station in the Tampa-St. Petersburg, Florida, DMA. WWSB(TV) will be required to submit the regulatory fee for the market with the number of television households closest to, but not lower than, the figures for WWSB(TV) as reported in the *Television & Cable Factbook* for that year. You should note that WWSB(TV) is under a continuing obligation to report to the Commission any changes in its operations that could affect its qualification for regulatory fee reduction. Finally, you should retain this letter and submit a copy of it with any future correspondence with the Commission concerning the regulatory fee for WWSB(TV).

For the reasons set forth above, the amounts of \$4,350.00 and \$4,225.00 that you have already submitted are accepted as correct and thus the FY 1999 and FY 2000 regulatory fees for WWSB(TV) have been paid in full. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

Mark A. Reger  
Chief Financial Officer

0009188835399001

LEIBOWITZ & ASSOCIATES, P.A.

DUPLICATE

BRAULIO L. BAEZ  
JOSEPH A. BELISLE  
ILA L. FELD  
MATTHEW L. LEIBOWITZ  
THOMAS H. WILLIAMS, JR.  
MARK WISNIEWSKI

SUITE 1450  
SUNTRUST INTERNATIONAL CENTER  
ONE SOUTHEAST THIRD AVENUE  
MIAMI, FLORIDA 33131-1715

TELEPHONE (305) 530-1322  
TELECOPIER (305) 530-9417  
E-MAIL Firm@broadlaw.com

September 14, 2000

VIA FEDERAL EXPRESS

Federal Communications Commission  
Attn: Petitions  
PO Box 358835  
Pittsburgh, PA 15251-5835

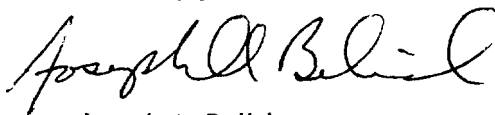
RE: Southern Broadcast Corporation of Sarasota  
Petition for Reduction of Fee and Payment of Regulatory Fee

Ladies and Gentlemen:

Transmitted on behalf of Southern Broadcasting Corporation of Sarasota, please find an original plus four copies of a Petition for Reduction of Fee with respect to the 1997 Annual Regulatory Fee for Station WWSB, Sarasota, Florida.

Pursuant to Rule 1.1166(d), this Petition is accompanied by the full fee payment less the amount of the requested reduction and FCC Form 159. Consistent with the FCC's action in letter dated April 18, 1997 from Marilyn G. McDermott, Associate Managing Director for Operations to Joseph A. Belisle, the FCC Form 159 has been filled out using the payment type code for UHF television stations in markets 51-100. If you have any questions concerning this Petition for Reduction of Fee or the enclosed FCC Form 159 or the enclosed check payable to the Federal Communications Commission in the amount of \$4,309.00, please contact me.

Sincerely yours,



Joseph A. Belisle  
Counsel for  
Southern Broadcast Corporation of Sarasota

cc: Mr. Manny Calvo  
Office of Managing Director

LEIBOWITZ & ASSOCIATES, P.A.

DUPLICATE

BRAULIO L. BAEZ  
JOSEPH A. BELISLE  
ILA L. FELD  
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E-MAIL Firm@broadlaw.com

September 14, 2000

VIA FEDERAL EXPRESS

Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 1-A625  
Washington, D.C. 20554

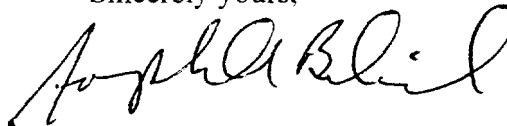
ATTN: Regulatory Fee Waiver/Reduction Request

RE: Station WWSB(TV), Sarasota, Florida

Ladies and Gentlemen:

Enclosed on behalf of Southern Broadcast Corporation of Sarasota please find an original plus four (4) copies of a Petition for Reduction of Fee with respect to the 2000 Annual Regulatory Fee for Station WWSB(TV), Sarasota, Florida. If you have any questions concerning this request, please contact me.

Sincerely yours,



Joseph A. Belisle  
Counsel for  
Southern Broadcast Corporation of Sarasota

**Pittsburgh, PA 15251-5835**

TO: Managing Director

### Petition for Reduction of Fee

Pursuant to Rule 1.1166(d), Southern Broadcast Corporation of Sarasota (“SBC”) requests that the Annual Regulatory Fee for Station WWSB(TV), Sarasota, Florida be reduced from \$11,425<sup>1</sup> to \$4,275.<sup>2</sup>

Station WWSB is the ABC affiliate in the Sarasota, Florida ADI. This is the 153<sup>rd</sup> largest television market as such markets are measured by Arbitron.<sup>3</sup> The Tampa-St. Petersburg ADI is the 16<sup>th</sup> largest Arbitron television market.<sup>4</sup> Until 1996, Station WWSB paid a regulatory fee based upon its Arbitron market ranking.

In 1996, the Commission began assessing regulatory fees on the basis of Nielsen television markets, instead of Arbitron television markets. Nielsen’s market definitions, so called “DMAs,”

<sup>1</sup>This is the fee for UHF television stations in market numbers 11-25.

<sup>2</sup>This is the fee for UHF television stations in market numbers 51 through 100.

<sup>3</sup>See Exhibit A.

<sup>4</sup>See Exhibit B.

consolidate the Sarasota and Tampa-St. Petersburg markets into the Tampa-St. Petersburg - Sarasota DMA, the 13<sup>th</sup> largest DMA. This change in Station WWSB's market designation would have resulted in an enormous increase in Station WWSB's regulatory fee, without any sort of improvement in the station's ability to compete in the Tampa-St. Petersburg ADI. In fact, SBC objected to use of DMA market rankings to assess regulatory fees. The Commission directed SBC to consider petitioning for a fee reduction. See Report and Order, FCC 96-295, released July 5, 1996 at ¶32.<sup>5</sup>

SBC followed the Commission's advice and petitioned for a reduction of its 1996 Annual Fees. The Commission determined that Station WWSB's service area encompassed approximately 335,650 television households, the equivalent number of households in the 51 to 100 largest markets. It was assessed a 1996 regulatory fee on this basis.<sup>6</sup>

SBC submits that the Commission's determination on Station WWSB's 1996 Petition for Reduction of Fee was well founded; that the facts underlying that determination remain true; and that reduction of Station WWSB's 2000 Annual Regulatory Fee is warranted. Specifically, the Estimated Station Totals for Station WWSB reported in Television & Cable Factbook 2000 demonstrate that WWSB reaches only 23 percent of the television households in the Tampa-St. Petersburg-Sarasota DMA. The reported Station Total of 347,320 households is the equivalent of the television

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The Commission continues to implement this policy of case-by-case relief from the results of improper classification and financial hardship. See Assessment and Collection of Regulatory Fees for Fiscal Year 2000, FCC 00-240, released July 10, 2000 at ¶34.

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See letter dated April 18, 1997 from Marilyn A. McDermott, Associate Managing Director for Operations to Joseph A. Belisle. See also letter dated January 13, 1999 from Mark Reger, Chief Financial Officer to Joseph A. Belisle. Copies of these letters are appended hereto as Exhibit C.

households in DMA Number 81.<sup>7</sup>

The fact is that Station WWSB does not serve the Tampa-St. Petersburg-Sarasota DMA. It serves the Sarasota ADI. Station WWSB is the ABC affiliate in the Sarasota ADI. Station WFTS, Tampa, Florida is the ABC affiliate in the Tampa-St. Petersburg ADI. In most time periods, Station WWSB's rating in the Tampa-St. Petersburg-Sarasota Nielsen surveys is either a one or an unreportable amount.<sup>8</sup> The highest rating the station achieves in the DMA is a two. In the Sarasota ADI, however, Station WWSB is a powerful competitor, regularly achieving the highest ADI ratings for its newscasts and providing strong support for ABC's prime time lineup.<sup>9</sup> In fact, Station WWSB's amended ABC network affiliation agreement is premised on the station performing well in Sarasota and achieving little or no ratings in the core counties of the Tampa-St. Petersburg ADI.<sup>10</sup> Indeed Station WWSB performs so well in Sarasota that the Tampa-St. Petersburg ABC affiliate's unopposed request to modify its ADI to include Sarasota County was denied by the Cable Services Bureau. See Memorandum Opinion and Order, DA 96-761, released May 29, 1996.

Station WWSB is truly a station based solely in the Sarasota ADI, the 153<sup>rd</sup> television market. Its annual fee should be reduced in a manner consistent with the Commission's prior fee reductions for the station.

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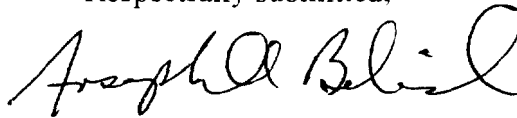
The relevant pages from Television & Cable Factbook 2000 are appended hereto as Exhibit D. They demonstrate that WWSB's Estimated Station Totals are 347,320 TV households. That the Tampa-St. Petersburg-Sarasota DMA has a total of 1,485,980 TV households; and that DMA Number 80, Portland-Auburn, Maine, has a total of 355,040 TV households.

<sup>8</sup>See Exhibit E.

<sup>9</sup>See Exhibit F.

<sup>10</sup>See Exhibit G.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Belisle". The signature is fluid and cursive, with the first name "Joseph" and last name "Belisle" clearly distinguishable.

Joseph A. Belisle  
Counsel for  
Southern Broadcast Corporation of Sarasota

Leibowitz & Associates, P.A.  
One S.E. Third Avenue  
Suite 1450  
Miami, Florida 33131-1715  
(305) 530-1322 Telephone



**EXHIBIT A**

**Sarasota ADI**



## San Francisco-Oakland-San Jose (San Rosa & Vallejo), Calif. (5)

ADI TV Households: 2,225,500

KTVU Oakland, Calif., ch. 2, Fox  
 KRON-TV San Francisco, ch. 4, NBC  
 KPIX San Francisco, ch. 5, CBS  
 KGO-TV San Francisco, ch. 7, ABC  
 KFWU Fort Bragg, Calif., ch. 8, ABC  
 \*KQED San Francisco, ch. 9, ETV  
 KNTV San Jose, Calif., ch. 11, ABC  
 KDTV San Francisco, ch. 14, IND  
 KOFY-TV San Francisco, ch. 20, IND  
 \*KRCB-TV Cotati, Calif., ch. 22, ETV  
 KTSF San Francisco, ch. 26, IND  
 \*KQEC San Francisco, ch. 32, ETV

KICU-TV San Jose, Calif., ch. 36, IND  
 KCNS San Francisco, ch. 38, IND  
 KFCB Concord, Calif., ch. 42, IND  
 KBHK-TV San Francisco, ch. 44, IND  
 KSTS San Jose, Calif., ch. 48, IND  
 KFTY Santa Rosa, Calif., ch. 50, IND  
 \*KTEH San Jose, Calif., ch. 54, ETV  
 \*KCSM-TV San Mateo, Calif., ch. 64  
 KLXV-TV San Jose, Calif., ch. 65, IND  
 KPST-TV Vallejo, Calif., ch. 66, IND  
 KWOK Novato, Calif., ch. 68, IND

ADI Counties	State	TV Households
Alameda	CA	483,600
Contra Costa East	CA	47,900
Contra Costa West	CA	258,600
Lake	CA	22,100
Marin	CA	96,800
Mendocino	CA	30,300

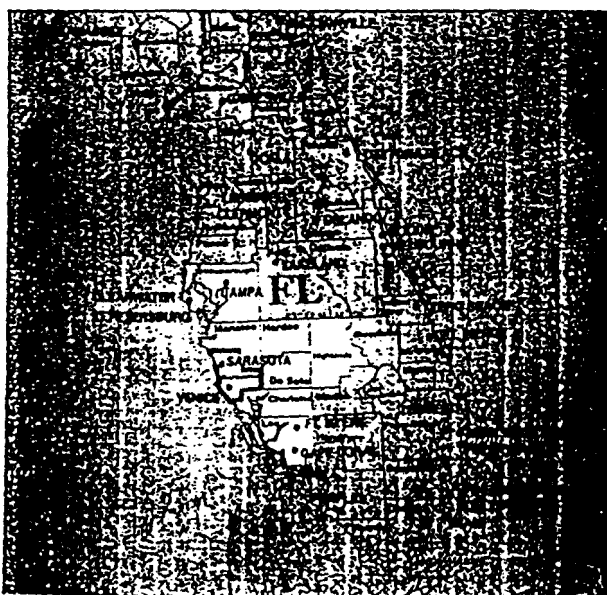
Napa	CA	4,200
San Francisco	CA	23,400
San Mateo	CA	247,000
Santa Clara West	CA	427,000
Solano West	CA	50,000
Sonoma	CA	155,000

## Santa Barbara-Santa Maria-San Luis Obispo (Oxnard), Calif. (112)

ADI TV Households: 210,700

KEYT-TV Santa Barbara, Calif., ch. 3, ABC  
 KSBY-TV San Luis Obispo, Calif., ch. 6, NBC  
 KCOY-TV Santa Maria, Calif., ch. 12, CBS  
 KADE San Luis Obispo, Calif., ch. 33, IND  
 KADY-TV Oxnard, Calif., ch. 63, IND

ADI Counties	State	TV Households
San Luis Obispo	CA	80,900
Santa Barbara N.	CA	60,600
Santa Barbara S.	CA	69,200



## Sarasota, Fla. (153)

ADI TV Households: 133,500

WWSB Sarasota, Fla., ch. 40, ABC  
 WBSW-TV Venice, Fla., ch. 62, IND

ADI Counties	State	TV Households
Sarasota	FL	133,500

**EXHIBIT B**

**Tampa-St. Petersburg ADI**

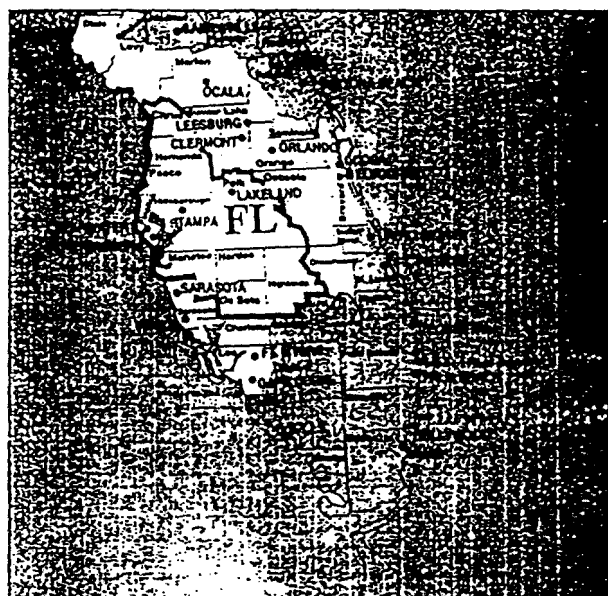
## Tallahassee, Fla. Thomasville, Ga. (Bainbridge, Ga.) (115)

ADI TV Households: 201,100

WCTV Thomasville, Ga., ch. 6, CBS  
 \*WFSU-TV Tallahassee, Fla., ch. 11, ETV  
 WTXL-TV Tallahassee, Fla., ch. 27, ABC  
 WTVG Tallahassee, Fla., ch. 40, NBC  
 WTLH Bainbridge, Ga., ch. 49, IND  
 WFXU Live Oak, Fla., ch. 57, IND

ADI Counties	State	TV Households
Franklin	FL	3,600
Gadsden	FL	13,700
Hamilton	FL	3,500
Jefferson	FL	3,900
Lafayette	FL	1,900
Leon	FL	80,000
Madison	FL	5,500
Suwannee	FL	10,700
Taylor	FL	6,500

Wakulla	FL	5,500
Brooks	GA	5,300
Decatur	GA	9,100
Echols	GA	800
Grady	GA	7,400
Lowndes	GA	26,900
Miller	GA	2,300
Thomas	GA	14,500



## Tampa-St. Petersburg (Lakeland), Fla. (16)

ADI TV Households: 1,266,600

\*WEDU Tampa, Fla., ch. 3, ETV  
 WFLA-TV Tampa, Fla., ch. 8, NBC  
 WTSP-TV St. Petersburg, Fla., ch. 10, ABC  
 WTVT Tampa, Fla., ch. 13, CBS  
 \*WUSF-TV Tampa, Fla., ch. 16, ETV  
 WCLF Clearwater, Fla., ch. 22, IND  
 WFTS Tampa, Fla., ch. 28, Fox

WTMV Lakeland, Fla., ch. 32, IND  
 WTTA St. Petersburg, Fla., ch. 38, IND  
 WTOG St. Petersburg, Fla., ch. 44, IND  
 WBHS Tampa, Fla., ch. 50, IND  
 WGOX Inverness, Fla., ch. 64, IND  
 WTBG Bradenton, Fla., ch. 68, IND

ADI Counties	State	TV Households
Citrus	FL	45,500
De Soto	FL	8,600
Hardy	FL	6,500
Hernando	FL	48,400
Highlands	FL	31,800
Hillsborough	FL	341,500
Manatee	FL	97,100
Pasco	FL	129,200
Pinellas	FL	393,000
Polk	FL	165,000

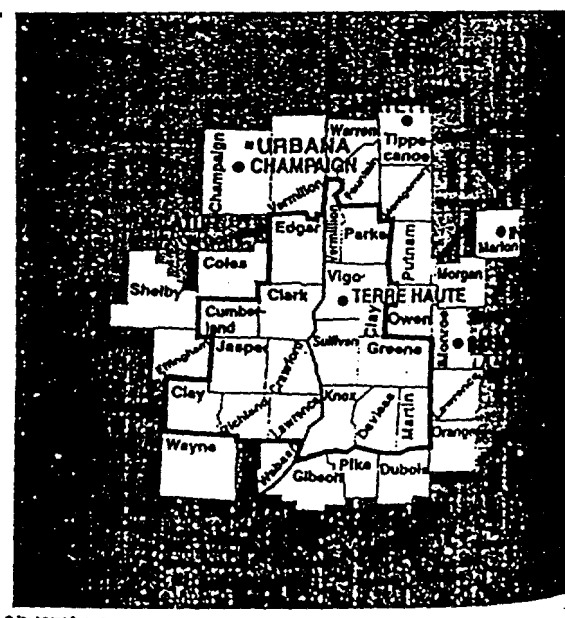
## Terre Haute, Ind. (138)

ADI TV Households: 156,100

WTWO Terre Haute, Ind., ch. 2, NBC  
 WTHI-TV Terre Haute, Ind., ch. 10, CBS  
 \*WUSI-TV Olney, Ill., ch. 16, ETV  
 \*WVUT Vincennes, Ind., ch. 22, ETV  
 WBAK-TV Terre Haute, Ind., ch. 38, ABC

ADI Counties	State	TV Households
Clark	IL	6,300
Clay	IL	5,500
Crawford	IL	7,400
Cumberland	IL	3,900
Edgar	IL	7,600
Jasper	IL	3,900
Lawrence	IL	6,000
Richland	IL	6,200

Clay	IN	9,400
Daviess	IN	9,900
Greene	IN	12,300
Knox	IN	15,000
Martin	IN	3,700
Parke	IN	5,700
Sullivan	IN	7,200
Vermilion	IN	6,500
Vigo	IN	39,600



**EXHIBIT C**

**1996 Fee Reduction  
1998 Fee Reduction**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

April 18, 1997

OFFICE OF  
MANAGING DIRECTOR

Joseph A. Belisle, Esquire  
Leibowitz & Associates  
Sun Trust International Center  
One S.E. Third Avenue  
Miami, FL 33131-1715

Re: Request for Reduction of Regulatory Fee  
Southern Broadcast Corporation of Sarasota  
Fee Control # 9609268835296010  
Fee Paid: \$2,140

Dear Mr. Belisle:

This is in response to your Petition for Reduction of the Fiscal Year 1996 (FY 1996) Regulatory Fee, filed on behalf of Southern Broadcast Corporation of Sarasota (SBC), licensee of UHF Television Station WWSB(TV), Sarasota, Florida.

Sarasota was formerly rated as the 153rd largest television market by Arbitron. Because Arbitron no longer rates television stations by market, regulatory fees are now premised on the Nielson rating service for television markets. You assert that the Nielson ratings combine Sarasota with the Tampa - St. Petersburg market, placing WWSB in the 15th largest market. You maintain that WWSB does not serve Tampa - St. Petersburg, and that it should be assessed the regulatory fee for a television station serving the 153rd largest or remaining markets. Accordingly, SBC tendered a payment of \$2,000 for WWSB, the regulatory fee for a remaining market UHF TV Station, and \$140 as the regulatory fee for four affiliated Broadcast Auxiliary Stations.

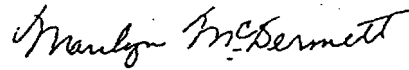
When a television licensee contends that it does not adequately cover its designated service area, our policy is to calculate the licensee's annual regulatory fee on the number of television households served. The Television and Cable Fact Book, Vol. 65, A-291 (1997), indicates that WWSB's service area encompasses approximately 335,650 television households, the equivalent number of households in the 51 to 100 largest markets. Television and Cable Fact Book, Vol. 65, A-2. Under these circumstances, your request will be granted to the extent that SBC will be assessed a regulatory fee of \$7,000, the fee for a UHF Television Station serving one of the 51 to 100 largest markets.

Joseph A. Belisle, Esquire  
Page 2

Crediting your \$2,000 payment previously submitted for WWSB(TV), a balance of \$5,000 remains and is now due. This unpaid balance should be filed, together with FCC Form 159 (copy enclosed), within 30 days from the date of this letter.

If you have any questions concerning SBC's regulatory fee, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn J. McDermett  
Associate Managing Director  
for Operations

Enclosure

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 14 1999

OFFICE OF  
MANAGING DIRECTOR

Joseph A. Belisle, Esquire  
Leibowitz & Associates  
Sun Trust International Center  
One S.E. Third Avenue  
Miami, FL 33131-1715

Re: Request for Reduction of Regulatory Fee  
Southern Broadcast Corporation of Sarasota  
Fee Control # 9809168835231007  
Fee Paid: \$4,052

Dear Mr. Belisle:

This is in response to your Petition for Reduction of the Fiscal Year (FY) 1998 Regulatory Fee, filed on behalf of Southern Broadcast Corporation of Sarasota (SBC) licensee of UHF Television Station WWSB(TV), Sarasota, Florida.

The Nielson television ratings place WWSB in the Tampa - St. Petersburg market, the 15th largest television market. You maintain that WWSB does not serve Tampa - St. Petersburg, and that based on the number of television households within its service area, it should be assessed the regulatory fee for a television station serving a market in the 51st to 100th largest market category. Accordingly, SBC tendered a regulatory fee of \$3975 for WWSB, the regulatory fee for a UHF TV Station serving a market in the 51st to 100th market category, and \$77 in regulatory fees for its affiliated Broadcast Auxiliary Stations.

When a television licensee argues that it does not adequately cover its designated service area, our policy is to calculate the licensee's annual regulatory fee on the number of television households served. The Television and Cable Fact Book, Vol. 66, A-293 (1997), indicates that WWSB's service area encompasses approximately 421,990 television households, the equivalent number of households in the 51st to 100th largest markets. Television and Cable Fact Book, Vol. 66, A-2. Under these circumstances your request will be granted. SBC will be assessed a regulatory fee of \$3,975, the fee for a UHF Television Station serving one of the 51st to 100th largest markets, and the fee submitted will be accepted in satisfaction of SBC's FY 1998 regulatory fee obligation.

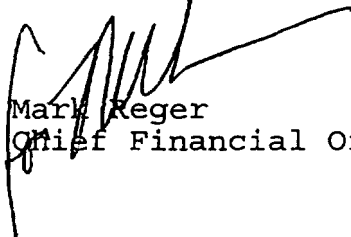


Joseph A. Belisle, Esquire

2.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger  
Chief Financial Officer